



August 15, 2022

Chief Justice Tani Cantil-Sakauye
The Supreme Court of California
350 McAllister Street
San Francisco, CA 94101

RE: *In re DP* (S267429)
Supplemental Authority re: Amicus Brief of Legal Services for Prisoners with Children

Dear Chief Justice:

On behalf of Amici Legal Services for Prisoners for Prisoners with Children, Los Angeles Dependency Lawyers Inc., East Bay Family Defenders, and East Bay Community Law Center, I am writing to notify the Court of a recent appellate court decision that is directly relevant to an argument raised in our amicus brief filed November 12, 2021.

At pages 36-53 of our amicus brief, we argued that this Court should reconsider and reject the general rule that a judgment has issue preclusive effect following dismissal of an appeal for mootness (“mootness preclusion”).

On July 14, 2022, the Third District Court of Appeal filed an opinion holding: “[W]here, as here, an appellate court disposes of an appeal solely on a procedural or technical ground that does not reach the merits of the underlying controversy, such as mootness, the judgment does not have preclusive effect in subsequent litigation.” (*Parkford Owners for a Better Community v. Windeshausen* (July 14, 2022) 2022 WL 2751720, *7. The Third District’s opinion addresses many of the authorities that are also discussed in our amicus brief.

Sincerely,

Kellie Walters

Kellie Walters
Legal Services for Prisoners with Children

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **IN RE
D.P.**

Case Number: **S267429**

Lower Court Case Number: **B301135**

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ADDITIONAL DOCUMENTS	Parkford Owners for a Better Community v Windeshausen

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Landon Villavaso Attorney at Law 213753	landon@lvlaw.org	e-Serve	8/15/2022 11:22:08 AM
John Kim Children's Law Center 298957	appeals3@clcla.org	e-Serve	8/15/2022 11:22:08 AM
Rita Himes Legal Services for Prisoners with Children 194926	rita@prisonerswithchildren.org	e-Serve	8/15/2022 11:22:08 AM
Tate Lounsbery Lounsbery Law Office, PC 240811	tate@lounsberylaw.com	e-Serve	8/15/2022 11:22:08 AM
Megan Turkat-Schirn Attorney at Law 169044	schirn@sbcglobal.net	e-Serve	8/15/2022 11:22:08 AM
Elizabeth Gill American Civil Liberties Union of Northern California 218311	egill@aclunc.org	e-Serve	8/15/2022 11:22:08 AM
Mitchell Keiter Keiter Appellate Law 156755	Mitchell.Keiter@gmail.com	e-Serve	8/15/2022 11:22:08 AM
Kellie Walters Legal Services for Prisoners with Children	kellie@prisonerswithchildren.org	e-Serve	8/15/2022 11:22:08

6288692			AM
Landon Villavaso Attorney at Law	office@lvlaw.info	e-Serve	8/15/2022 11:22:08 AM
Minouche Kandel American Civil Liberties Union Foundation of Southern California 157098	mkandel@aclusocal.org	e-Serve	8/15/2022 11:22:08 AM
William Thetford Office of the County Counsel 133022	wthetford@counsel.lacounty.gov	e-Serve	8/15/2022 11:22:08 AM
Emily Berger Law Office of Emily Berger	bergere@ladlinc.org	e-Serve	8/15/2022 11:22:08 AM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/15/2022

Date

/s/Kellie Walters

Signature

Walters, Kellie (342755)

Last Name, First Name (PNum)

Legal Services for Prisoners with Children

Law Firm